

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

In re

RICHARD PARKER WILKINSON

Case No. 3:16-bk-31282-SHB

Debtor

Chapter 7

MICHAEL H. FITZPATRICK, TRUSTEE

Plaintiff,

v.

Adv. Pro. No. 3:17-ap-03029-SHB

RICHARD PARKER WILKINSON

Defendant

DEFENDANT'S RESPONSE TO PLAINTIFF'S STATEMENT OF UNDISPUTED FACTS

Comes the Defendant, through counsel, and for his response to the movant's statement of undisputed facts, responds as follows:

1. The Defendant filed for bankruptcy relief on April 25, 2016. *See Doc 24, Attached Exhibit A, Affidavit of Michael H. Fitzpatrick ¶2.*

RESPONSE: The Defendant agrees that this fact is undisputed.

2. He was and continues to serve as Chapter 7 Trustee in this case. *Id.*, ¶3.

RESPONSE: The Defendant agrees that Michael H. Fitzpatrick is the Chapter 7 Trustee in the Defendant's Chapter 7 bankruptcy case.

3. The Defendant has previously forged a deed related to his financial interest in real property. *Id, Doc. 24, Exhibit C, Partial Deposition Transcript of Richard Parker Wilkinson, P. 16 L. 11-1, P 19 L 1-15.*

RESPONSE: The Defendant agrees that this fact is undisputed for the purposes of summary judgment, but objects to its consideration by the Court because it is irrelevant to the matter before the Court.

4. The Defendant also admitted that he may have forged other deeds in the past. *Id.*, P. 20, L 12-14.

RESPONSE: The Defendant agrees that this fact is undisputed for the purposes of summary judgment, but objects to its consideration by the Court because it is irrelevant to the matter before the Court.

5. On August 18, 2016 this Court issued an Order requiring the Debtor to amend schedules I, J and Official Form 122A-2 no later than August 25, 2016. *Id.*, Doc. 24 Exhibit D. Requests to Admit to Debtor, requests 3-6.

RESPONSE: The Defendant agrees that this fact is undisputed.

6. The Debtor failed to amend any of these schedules by the Court's deadline. *Id.*, requests 6-8.

RESPONSE: The Defendant agrees that this fact is undisputed.

7. The order from this Court was lawful. *Id.*, request 9.

RESPONSE: The Defendant agrees that this fact is undisputed.

8. Schedule I as originally filed was completely blank, and this was false. *Id.*, request 10 and Exhibit C, Partial Deposition Transcript of Richard Parker Wilkinson, P. 46 L. 13-16, P 47 L 1-12.

RESPONSE: The Defendant agrees that this fact is undisputed.

9. The originally filed Statement of Financial Affairs was false with respect to questions 2,4,6, and 9. *Id.*, Doc 24, Exhibit D, Requests to Admit to Debtor, request 11.

RESPONSE: The Defendant agrees that this fact is undisputed, except that the answers to Question Nos. 6 and 9 were not false. Each of those questions contained two boxes, a yes and a no box, neither of which were checked. Therefore, the answers to those questions was not false, the questions were merely not answered.

ADDITIONAL UNDISPUTED MATERIAL FACTS

Pursuant to E.D. Tenn. LBR 7056-1(c), the Defendant contends that the following additional facts are undisputed.

1. Defendant filed Amended Means Test [Doc. 76 bankruptcy case] on December 28, 2016 (Exhibit B to Richard Wilkinson Affidavit).
2. Defendant filed Amended Schedules I am J [Doc. 87 bankruptcy case] on February 22, 2017 (Exhibit A to Richard Wilkinson Affidavit).
3. Defendant lacked fraudulent intent for false statements in his schedules and Statement of Financial Affairs (Wilkinson Affidavit ¶6).

Respectfully submitted,

/s/ Edward J. Shultz
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing response to Plaintiff's statement of undisputed facts has been served upon Ryan E. Jarrard, Esq., attorney for the Plaintiff, by operation of the Court's electronic notification system on this 21st day of August, 2018.

/s/ Edward J. Shultz